

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

CHARLES HOOFNAGLE

Plaintiff

v.

Civil Action No: 1:15-CV-00008

SMYTH-WYTHE AIRPORT COMMISSION

Serve: Curtis Pennington

Chairman of the Commission

148 Hiler Bridge Road

Chilhowie, VA 24319

CURTIS PENNINGTON, Chairman

In his official capacity

Serve: 148 Hiler Bridge Road

Chilhowie, VA 24319

WILSON L. LEONARD, Former Chairman

In his individual and official capacities

Serve: 525 Saint James Rd.

Chilhowie, VA 24319

DONALD E. ELMORE, Vice-Chairman

In his individual and official capacities

Serve: 4267 Peppers Ferry Road

Wytheville, VA 24382

JOHN R. BENHAM, Treasurer

In his individual and official capacities

Serve: 5265 Century Ct.

Wytheville, VA 24382

FRANKLIN P. SLAVIN, JR.

In his individual and official capacities

Serve: 690 Old King Road

Rural Retreat, VA 24368

SCOTT FREEMAN)
In his individual and official capacities)
Serve: 840 E. Hungry Mother Dr.)
Marion, VA 24354)
)
MIKE EDWARDS)
In his individual and official capacities)
Serve: 8223 Lee Highway)
Rural Retreat, VA 24368)
)
WILLIAM T. DUNGAN)
In his individual and official capacities)
Serve: 8223 Lee Highway)
Rural Retreat, VA 24368)
)
Defendants).

MOTION TO DISMISS

COME NOW, Defendants Wilson L. Leonard, Donald E. Elmore, Franklin P. Slavin, Jr., Scott Freeman, Mike Edwards, and William T. Dungan, by counsel, and move pursuant to Rule 4 (m) and Rule 12 (b) (5) that the Plaintiff's claim against them be dismissed.

Wilson L. Leonard, Donald E. Elmore,
Franklin P. Slavin, Jr., Scott Freeman,
Mike Edwards, and William T. Dungan
By Counsel

/s/Henry S. Keuling-Stout
KEULING-STOUT, P.C.
125 Clinton Avenue East
P.O. Box 400
Big Stone Gap, Virginia 24219
VSB No. 15289
Tel: 276-523-1676

Fax: 276-523-1608
keulingstout@gmail.com
Counsel for all Defendants

/s/Michael Lockaby
GUYNN AND WADDELL, P.C.
415 S. College Avenue
Salem, VA 24153
Tel: 540-387-2320
Fax: 540-389-2350
MikeL@guynnwaddell.com
Co-counsel for Defendants Leonard, Slavin, and Dungan

CERTIFICATE OF SERVICE

I, hereby certify that on July 24, 2015 I electronically filed a Motion to Dismiss thereof on behalf of Wilson L. Leonard, Donald E. Elmore, Franklin P. Slavin, Jr., Scott Freeman, Mike Edwards, and William T. Dungan with the Clerk of the court using the CM/ECF system which will send notification of such filing to :

Richard F. Hawkins, III
Virginia Bar Number 4066
THE HAWKINS LAW FIRM, PC
2222 Monument Avenue
Richmond, Virginia 23220
rhawkin@thehawkinslawfirm.net

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